

Notice of Allowability

Application No.

10/675,481

Examiner

A. J. HEINZ

Applicant(s)

FREITAG ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 3/3/06.
2. ☒ The allowed claim(s) is/are 1,2,5-15,18,20-25 and 27-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT/COMMENT

1. Claims 1,2,5-15,18,20-23,31-44 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 24-30, directed to the process of making or using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, the restriction requirement between groups I&II as set forth in the Office action mailed on 10/14/05 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claims including all the limitations of an allowable product claim or rejoined process claim are presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

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2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John J. Oskorep on 26 May 2006.

IN THE CLAIMS:

Cl.24[renumbered as Cl.19], line 7, "a cobalt layer" has been changed to read as follows --an oxidized cobalt layer--;

Cl.25[renumbered as Cl.20], line 1, "cobalt layer" has been changed to read as follows --oxidized cobalt layer--;

Cl.27[renumbered as Cl.21], line 3, "the cobalt layer" has been changed to read as follows --a cobalt layer--;

Cl.28[renumbered as Cl.22], line 1, "cobalt layer" has been changed to read as follows --capping layer structure--;

Cl.29[renumbered as Cl.23], line 3, "cobalt layer" has been changed to read as follows --oxidized cobalt layer--;

Cl.30[renumbered as Cl.24], line 3, "the cobalt layer" has been changed to read as follows --a cobalt layer--.

Claims 26&45-49 have been canceled.

IN THE TITLE:

The Title of the Invention has been changed to --SPIN VALVE
WITH A CAPPING LAYER COMPRISING AN OXIDIZED COBALT LAYER AND
METHOD OF FORMING SAME--.

3. DISCUSSION OF CITED PRIOR ART:

Schwarz discloses that capping layer 36 (figure 10) may be
composed of elemental cobalt. See col.10, line 52.

4. Any inquiry concerning this communication or earlier
communications from the examiner should be directed to A. J. HEINZ
whose telephone number is (571) 272-7587. The examiner can normally
be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful,
the examiner's supervisor, DWAYNE BOST can be reached on (571)272-
7023.

The fax phone number for the organization where this application or
proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be
obtained from the Patent Application Information Retrieval (PAIR)
system. Status information for published applications may be obtained
from either Private PAIR or Public PAIR. Status information for
unpublished applications is available through Private PAIR only. For
more information about the PAIR system, see [http://pair-
direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private
PAIR system, contact the Electronic Business Center (EBC) at 866-217-
9197 (toll-free).

A. J. HEINZ
Primary Examiner
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